

Comparison of the Security Strategies of the United States and the European Union

**Is there a common approach in combating
terrorism?**

**A Monograph
by
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AY 04-05

REPORT DOCUMENTATION PAGE			<i>Form Approved</i> OMB No. 074-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503				
1. AGENCY USE ONLY (Leave blank)	2. REPORT DATE 052605	3. REPORT TYPE AND DATES COVERED Monograph		
4. TITLE AND SUBTITLE Comparison of the Security Strategies of the United States and the European Union. Is there a common approach in combating terrorism?		5. FUNDING NUMBERS		
6. AUTHOR(S) LTC Torsten Gersdorf				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) US Army Command and General Staff College School of Advanced Military Studies 250 Gibbon Ave. Fort Leavenworth, KS 66027		8. PERFORMING ORGANIZATION REPORT NUMBER		
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) U.S. Army Command and General Staff College Fort Leavenworth, KS 66027		10. SPONSORING / MONITORING AGENCY REPORT NUMBER		
11. SUPPLEMENTARY NOTES				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited.			12b. DISTRIBUTION CODE A	
13. ABSTRACT (Maximum 200 Words) The comparison of both strategic documents shows that the analysis of the new threats of terrorism and proliferation of Weapons of Mass Destruction is similar, as well as the stated strategic goals/ ends. The great difference can be found in the ways/ concepts, how the United States on the one hand and the European Union on the other hand intend to counter these threats and to achieve the respective strategic goals/ends. The analyzed key differences are: Unilateralism versus multilateralism, preemption versus prevention and legitimacy of the use of force to achieve strategic objectives. The NSS tends to stress "hard power" and military solutions with the option of preemption and a unilateralist "go it alone approach," but is downplaying the role of the United Nations, the role of Islam, and possible options of civilian conflict prevention. While the ESS sees more the merit in effective multilateralism and "soft power" that combines economic, diplomatic as well as military assets. This approach will allow the European Union acting as "robust civilian power." But the EU credibility as a foreign policy actor will depend on translating its strategy into plans and operations. Despite all disagreements in the transatlantic relationship there is an urgent need, but also a common basis for cooperation in combating global terrorism. Complementarity, not conflict should be the new transatlantic watchword				
14. SUBJECT TERMS Joint Education			15. NUMBER OF PAGES 43	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT U	18. SECURITY CLASSIFICATION OF THIS PAGE U	19. SECURITY CLASSIFICATION OF ABSTRACT U	20. LIMITATION OF ABSTRACT none	

SCHOOL OF ADVANCED MILITARY STUDIES

MONOGRAPH APPROVAL

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Title of Monograph: Comparison of the Security Strategies of the United States and the European Union. Is there a common approach in combating terrorism?

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Abstract

Comparison of the Security Strategies of the United States and the European Union. Is there a common approach in combating terrorism? by LTC Torsten Gersdorf, AOASF 04-05, 43 pages.

The comparison of both strategic documents shows that the analysis of the new threats of terrorism and proliferation of Weapons of Mass Destruction is similar, as well as the stated strategic goals/ ends. The great difference can be found in the ways/ concepts, how the United States on the one hand and the European Union on the other hand intend to counter these threats and to achieve the respective strategic goals/ends. The analyzed key differences are:

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INTRODUCTION

The traumatic events of 9/11 shocked the entire world. This single terrorist attack killed more Americans than the state of Japan did on December 7, 1941. The so called “privatization of war” is a major historical change in world politics.¹ 9/11 demonstrated that the possession of the greatest military might on earth, including the most advanced technology, cannot itself guarantee security. Every nation in Europe rushed to declare its sympathy and solidarity with the United States. The French newspaper *Le Monde* headline on September 13 proclaimed “*Nous sommes tous Américains*” (We are all Americans). This kind of support was also based on another major deliberation- terrorism does not recognize any borders. No one nation can guarantee that an act of terrorism will not happen on its soil, thus the support post 9/11 became a matter of national security as much as an act of solidarity. Political observers rushed to declare that “the world will never be the same again.” US President George W. Bush declared the attacks “acts of war” and shortly thereafter announced the “Global War on Terrorism.” Prior to 9/11 the US public perceived international terrorism as primarily an overseas issue and US administrations treated the terrorist threat as a law enforcement problem. This changed dramatically on 9/11. The Global War on Terrorism has become the US No.1 foreign policy priority.

The Bush administration began the Global War on Terrorism well. It pursued a pragmatic and multifaceted approach, combining the tools of diplomacy, military force, intelligence and law enforcement to go after Al Qaeda’s finances and cells around the globe. It orchestrated a successful military campaign in Afghanistan that expelled the Taliban and disrupted Al Qaeda’s operational bases. 136 countries offered a broad range of military support to this Operation, named Enduring Freedom.² Today the United States attention is focused on Iraq, although Al Qaeda remains a powerful and aggressive enemy, which continues to operate not only in the

¹ Joseph S. Nye Jr., “U.S. Power and Strategy after Iraq,” *Foreign Affairs* (July/August 2003) : 63.

² Raphael Perl, *Terrorism, the Future and US Foreign Policy*, updated April 11, 2003, Congressional Research Service/The Library of Congress, Order Code IB 95112 of 04-11-03, CRS- 1.

border region between Afghanistan and Pakistan, but also has struck in Jakarta, Mombassa, Bali Riyadh, and in and around Baghdad. The US-led invasion of Iraq has triggered the most severe transatlantic tensions since the end of the cold war, dividing Europeans and Americans from each other and themselves. Europeans are increasingly wary of US power, intentions and tendency toward unilateral action in world affairs. The common approach faded even more with President Bush's State of the Union address in January 2002 because of his linkage between the "axis of evil" to bracket Iraq, Iran and North Korea with international terrorists. The Europeans got more and more worried. President Bush, after having presented the basic ideas during a speech in West Point in June 2002 issued his administration's National Security Strategy (NSS) in September 2002.

In December 2003 the European Council issued the first European Security Strategy "A secure Europe in a better world". Like the US National Security Strategy, the European Security Strategy sees terrorism as a "growing strategic threat to the whole of Europe."³ These two strategic concepts are well suited to assess the state of transatlantic relationship after Iraq and to provide an answer of the key question of this monograph, if there is a common approach for combating international terrorism.

This monograph examines whether the US National Security Strategy and the European Security Strategy provide sufficient strategic consensus to define a basis for a common US and EU approach of combating terrorism. It is guided by the following hypothesis: Achieving the end state of abolishing international terrorism requires an unprecedented international simultaneous synchronization of all instruments of power; diplomatic, military, economic, intelligence, and law enforcement since no nation has enough power to build a safer world alone. To achieve their respective strategic goals Europe needs America's military might, America needs European

³ European Security Strategy "A Secure Europe in a Better World," (Brussels: December 2003), 3.

civilian power. Complementarity not competition should be the transatlantic solution for the future effort.

The term “civilian power” was used by the German Professor Hans W. Maul in the early 1970s, analyzing the growing economic power of Japan and West-Germany.⁴ He argued “that the term “power” no longer means what it used to: “hard” power, the ability to command others, is increasingly being replaced by “soft” (persuasive) power.”⁵ According to Maul this new type of international power implies: “the acceptance of the necessity of cooperation with others in the pursuit of international objectives; the concentration on non military, primarily economic, means to secure national or supranational goals, with military power left as residual instrument serving essentially to safeguard other means of international interaction and a willingness to develop supranational structures to address issues of international management”⁶ This definition includes military power as a residual instrument; it is therefore an extended definition in comparison to the traditional understanding of “civilian power” exclusively based on non-military means.

The monograph is structured as follows: The first chapter provides an overview of the strategic environment and significant global trends. The second chapter provides a comparison of the US National Security Strategy and the EU Security Strategy. The criteria for this comparison are: First, threats, what are the defined threats? Second, strategic ends and goals, focused on the question: What are the defined goals to combat terrorism? And third, ways and concept or about how the political leadership will use the available power (means or resources) to achieve the

⁴ Maull was, of course, referring specifically to the cases of Germany and Japan; but the definition has been regularly used with reference to the EU. See: Karen E. Smith, *Still ‘civilian power’ EU?* (London: School of Economics 2003)

⁵ A similar US-perspective is expressed by Joseph Nye’s conception of “soft power”; (he is Dean of the John F. Kennedy School of Government at Harvard University) “Soft power can be shared and used in a cooperative fashion. European promotion of democracy and human rights help advance shared values that are consistent with American objectives. The Islamic extremists of Al-Qaeda are fighting against western values. European public diplomacy that counters their appeal is beneficial to the United States.” See Joseph S. Nye Jr., *Soft Power. The Means to Success in World Politics* (New York: Public Affairs, 2004)

⁶ Hans W. Maul, “Germany and Japan: The new Civilian Powers,” *Foreign Affairs* (September/October 1990) : 92-93.

strategic goals. The aim of this chapter is to identify what is common and what is different in these strategic papers. The third chapter discusses the key differences in both strategies: The first issue is unilateralism vs. multilateralism; the second issue is preemption vs. prevention; and the final aspect is the question of legitimacy. The final chapter provides conclusions and recommendation for the improvement of the US-EU relationship focused on a complementary approach of combating terrorism.

THE STRATEGIC ENVIRONMENT

Three major trends have had influence on the strategic environment since the 1980s: the end of cold war; the impact of globalization; and the rise of Islamic radicalism.⁷ The outline of these major trends, a sketch of the role of the United States and the development of the European Union post Cold War and an additional overview on the current foreign policy making in the United States and the European Union provide the context for the following comparison of the Security strategies of the United States and the European Union.

The end of the cold war system created new major global security problems: First, internal conflicts accelerated after the collapse of the Soviet Union, ethnic rivalries were renewed, thereby increasing the number of inter and intrastate conflicts. Second, huge amounts of weapons from the former Warsaw Pact countries were dumped into the global illegal arms market, further enabling national separatist's movements and terrorist's organizations alike. Third, the risks and potential for terrorists gaining access to Weapons of Mass Destruction or fissile material increased significantly.

The second significant strategic trend is Globalization, it increased dramatically in the 1990s. The information revolution is shaping the strategic environment in which conflicts take place. "The entire world will be linked, so that from any stationary or mobile station it will be

⁷ National War College Student Task Force on Combating terrorism, *Combating Terrorism in a globalized world* (Washington D.C.: National War College, May 2002), 4.

physically possible to send and receive near instantaneous voice, video and other serial electronic signal to any other station.”⁸ Almost no dimension of modern life has been untouched by the information revolution. One of its most important effects has been the cascading globalization of economies. The strategic outcome is a linkage of economies around the world. Europe and the United States are bound together by dense economic network and economic interdependence: One billion dollars of daily trade, together they account for more than half of the trade and investment flows in the world, twelve million jobs on both sides dependent on transatlantic trade; around forty-three percent of the work force in the U.S. subsidiaries worldwide work in Europe; sixty-five percent of U.S. direct investment abroad in 2003 went to Europe.⁹ At the global level interdependence has proven to be more than economic: it also has political, cultural and military aspects. Therefore the national interests of the United States and the member states of the European Union are inseparably linked to the stability of their worldwide interaction with other players, and vice versa. Along with the globalization that is creating interdependence among the world’s free economies, there is a parallel, globalization of terror, in which rogue states and terrorist organizations share information, intelligence, technology.”¹⁰ Our western societies are increasingly vulnerable to aggression against the critical infrastructures – the virtual and physical systems and assets which ensure the proper functioning of society, including the telecommunications, energy, and transportation. Globalization clearly offers terrorist groups some extraordinary capabilities to communicate and coordinate their efforts. Globalization also facilitates the proliferation of destabilizing capabilities, such as weapons of mass destruction or mass effects. While Washington did not create globalization, Americans have been the most

⁸ Steven Metz, “Armed Conflict in the 21st Century: The Information Revolution and Post-Modern Warfare” (Carlisle: Strategic Studies Institute, April 2000), 6.

⁹ Christoph Eichborn, “Pro Bono Publico – No Bloody Panico or the Future of Transatlantic relations,” *U.S.-German Bilateral Dialogue*; “*Renewing the Transatlantic Partnership*,” (Washington D.C.: CSIS Conference Report, October 2004), 14.

¹⁰ Paul Wolfowitz, “Building a military for the 21st century”, Prepared statement for the House and Senate Armed Service Committees, 3-4 Oct 2001 Washington DC USA DoD §37

successful at adapting to it and thus have gained substantial advantage. In the eyes of many other nations, especially in the Islamic world, the globalization is a deliberate strategy on the part of the US to spread its influence and culture.

The third major trend that has influence on the strategic environment since the 1980s is the rise of Islamic terrorism. By the end of the 1980s, Islamic terrorism became transnational and active worldwide. In 1988 AL Qaeda network was created by Osama bin Laden. The new kind of terrorism is ready and able to cause massive destruction, including the mass murder of civilians. The objective of a terrorist attack is to maximize damage with a maximum number of victims, in order to receive maximum media coverage. 17 of the 35 “Foreign Terrorist Organizations” which are identified under Executive Order 13224 are religiously motivated terrorists group.¹¹ The large majority are Islamic terrorist organizations. A defining characteristic of present Islamic fundamentalism is the total rejection of the western model of society, its values and principles, such as pluralism, the separation of state and religion, equal human rights and modern law. Modern Western society is not only rejected, but also often seen as decadent and portrayed as being of demonic character. Globalization and the Western model of society are perceived as a dangerous threat to Islamic society and its values. It is seen as a dangerous enemy which has to be destroyed. Many in the Islamic World see the United States as the guardian of a status quo that failed the common Muslim. Islamists demand a radical reorientation of their societies towards Islamic values, the establishment of a new order based on the rules of the Koran, and the introduction of the law of the Sharia.¹² The establishment of radical Islamic regimes is presented

¹¹ President Bush signed Executive Order 13224 on September 23, 2001 it gives the U.S. government a powerful tool to impede terrorist funding and is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. In issuing Executive Order 13224, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by grave acts of terrorism and threats of terrorism committed by foreign terrorists. Note: For a current list, updated regularly, of terrorists and groups identified under E.O. 13224, see www.ustreas.gov/offices/enforcement/ofac/sanctions/terrorism.html

¹² Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the New World Disorder* (Berkley: University of California Press, 1998), 27.

as the solution for all political, economic, and social problems Arab and other Muslim states are facing. According to Bassam Tibi, an expert in Islamic fundamentalism and Professor of international relations at the University of Goettingen, Germany, the distinguishing mark of today's Islamic fundamentalism is its goal: namely, "the islamization of the political order, which is tantamount to toppling existing regimes, with the implication of de-Westernization."¹³ Radical Islamic clergymen preach and teach that the use of violence for the cause of Islam is an obligation and duty demanded by religion. This also serves to legitimize terrorism. Global Islamic Terrorism has a strategic objective, the destabilization and ultimately the destruction of the modern civilized nation state, and thus of Western society as a whole.¹⁴

After describing the major trends that have had influence on the strategic environment since the 1980s, the next step covers the Role of United States and Europe post Cold War. During the Cold War America's strategy was built around the transatlantic alliance. The USA was focused on Europe. The EU recognizes the critical role the United States has played in European integration and European security.¹⁵ The end of the Cold War era left the United States as only military superpower and in a position of great economic and political influence. The collapse of the Soviet Union was seen by the Europeans as opportunity to cash in the peace dividend. The 1990s witnessed the decline of Europe into relative military weakness compared to the United States; the average European defense budget fell below 2 percent of the GNP, while U.S. spending has risen from 3.0 to 3.7 percent.¹⁶ Today the EU member states spent only hundred and seventy-five billion dollars on defense, in comparison to the United States with currently five hundred billion dollars. That difference in defense spending produced a huge technological and

¹³ Ibid, 128.

¹⁴ Erich Hochleitner, „International Terrorism, A Challenge to Modern Western Society“; *Oesterreichische Militärische Zeitschrift ÖMZ- Sonderheft Nuclear Material Protection*, 41 (2003), 5-9.

¹⁵ ESS, 1.

¹⁶ Anthony H Cordesman, "The Transatlantic Alliance and the Middle East in a Year of Changing Priorities and Strategic Drift," *U.S.-German Bilateral Dialogue "Renewing the Transatlantic Partnership," CSIS Conference Report*; (Washington D.C.: October 2004) : 26.

capability gap, which has been opened wider and wider since the 1990s. But on the other hand even this relatively small combined EU defense budget exceeds the military budget of China, Japan and Russia combined.

To achieve a better understanding of the context of the European Security Strategy it is useful to present a short overview how the European Union has progressed from an economic community to a single market to a union, as well as political and security cooperation developed into a common defense concept, expressed in the European Security and Defense Policy (ESDP). Today the European Union comprises 25 states with over 450 million people, producing a quarter of the world's Gross National Product (GNP). To understand the decision making process within the EU it is necessary to explain the institutional structure. The Union is divided into a pillar structure, whereby some matters are the competence of the EU Commission and others of the EU Council (i.e. member states acting through the EU's Council structures). The management of external relations is split between Commission and council with neither able to provide overall coordination. The EU Constitution's institutional innovations are especially relevant to foreign and security policy. It provides a "double-hatted" European foreign minister, who would serve in both Council and Commission. The appointment of a foreign minister might go some way to answering Henry Kissinger's famous question of whom to call when the United States wants to speak to Europe. But member states will still have final say in foreign policy decisions. Even a powerful EU foreign minister is more likely to be a valued listener, consents-builder and communicator than a decisive, independent actor. In June 2004 the European Council declared that Javier Solana "will be appointed Union Minister of Foreign Affairs on the day of entry into force of the Constitution".¹⁷ The EU-Constitution will give the EU a single legal personality. This will have implications on the institutional transatlantic cooperation in the future.

¹⁷ European Council European Council "Declaration by the heads of states or government on the transition towards a appointment of the future Minister of Foreign Affairs of the European Union," 29 June 2004

The next section will provide an overview of current US and European foreign policy making in order to complete the context for the following comparison of the respective Security Strategies. In the United States three competing groups dominate the foreign policy making: Two groups of neoconservatives, both include unilateralists and aggressive internationalists; both are prepared to use American power offensively when they think national interest at stake. One group, among them Vice President Cheney and Secretary of Defense Rumsfeld, sees the world in Hobbesian terms, as a dog eat dog universe. The other group of neoconservative hawks is prepared to use US power not just to counter threats but to promote liberal values and to construct a world system based on liberal democracies, universal human rights, and American style capitalism, the most prominent representative of this group is Undersecretary of Defense Paul Wolfowitz. These two groups are called the “Pentagon Party”. The third more traditional conservative group, represented by the former Secretary of State of the first Bush administration Powell, is called “State Department Party”. They resent the imperial ambition of the unilateralists and are convinced that the USA cannot go it alone – even in a unipolar world.¹⁸

Since 9/11 the dispute between the “Pentagon Party” and the “State Department Party” has characterized the foreign policy of the United States. The NSS seems to be a policy compromise between the two groups. On the one hand it reflects neoconservative views, like unilateralism and preemption and military superiority. On the other hand it expresses traditional conservative commitments to the United Nations, NATO and the EU. It commits the United States to a multilateral and liberal order, at least in the economic area.

In the EU there are also three different coalitions of member states influencing the foreign policy: The first group could be called “liberal internationalists”, committed to a cooperative foreign policy and to working with and through multilateral institutions. This group (including Germany) pursues the foreign policy of a “robust civilian power.” It shares a Kantian

¹⁸ Thomas Risse, “The Atlantic Alliance in Crisis,” *Current History*. (November 2004) : 364 – 369.

vision of world, European Kantians are not pacifists; they support the use of military force if necessary, as can be seen in German Chancellor Gerhard Schröder's stance on Kosovo and Afghanistan. Yet military power, they believe, has to be embedded in political and diplomatic efforts. A second group among Europe's foreign policy elites (led by France) thinks primarily in realist "balance of power" terms. This group is concerned about the growth of US- power and promotes a European foreign policy of balancing and building a counterweight to American primacy. The third group is called "European Atlantics" (for example UK) remains strongly committed to preserving the transatlantic partnership almost no matter what.¹⁹

COMPARISON OF THE EUROPEAN SECURITY STRATEGY AND THE U.S. NATIONAL SECURITY STRATEGY

Political background and definitions

This chapter presents a comparison of the U.S. National Security Strategy (NSS) and the European Security Strategy (ESS) in order to identify convergences and differences in these strategic papers. Both documents start from different premises. The NSS is written for one country, the United States the sole remaining superpower in the world. The ESS is different because it has to express the strategic understanding, not of one country, but of an entity of currently 25 member states. These states have a variety of security and defense policies and commitments, a careful balance had to be struck between sometimes conflicting views. Therefore it is formulated as to compromise the view of many. Furthermore the ESS is the first of its kind, whereas in the United States the issuing has been routine, based on the Goldwater-Nichols Department of Defense Reorganization Act of 1986. The NSS was published only one year after the horrific terrorist attacks of 9/11. On contrary, the ESS was shaped by debate on the US invasion of Iraq. It was a direct result of the European disagreements over Iraq. After CFSP failed once more during the Iraq crises to produce a common EU stance on a major crisis, the Member

¹⁹ Ibid.

states gave the High Representative for CFSP, Javier Solana, the mandate to lead efforts to finally address the issue of where the EU stands as a global actor and how it sees its evolving security instruments meeting that vision.

In order to create a common understanding of the term strategy, the following definition will be used: “Strategy provides direction, its purpose is control, and it is fundamentally concerned with the application of power. The underlying assumption from a national perspective is that states and other competitive entities have interests that they will pursue to the best of their abilities. Strategy is the pursuit, protection, or advancement of these interests through the application of the instruments of power. Strategy is all about how (way or concept) leadership will use the power (means or resources) available to the state to exercise control over sets of circumstances and geographic locations to achieve objectives (ends) that support state interests.”²⁰

Because of the focus of this monograph the following comparison is limited to two of these three strategic dimensions: strategic objectives (ends) and ways/ concepts. The threat assessment in both strategic documents will be taken as start point and basis for the comparison. For the use in this paper the term threat is defined as: “An expression of an enemy’s intention, to inflict evil, injury, or damage with sufficient capability to make those intentions realistic, and realistic estimate of reaction time prior to the attack (four elements of a threat :actor+ intent+ capability + reaction time) The threat level grows with increasing hostility from an enemy, an expanding enemy capability, and an approaching attack.”²¹

²⁰Arthur F. Lykke Jr., “Towards an Understanding of Military Strategy,” *Military Strategy Theory and Application* (Carlisle: US Army War College 1998), 3-8.

²¹ Joanne Fish, Samuel F. McCrew and Christopher Reddish, “Fighting in the Gray Zone: A Strategy to close the Preemption Gap,” (Carlisle: US Army War College 2004), 4.

Threat comparison

According to the NSS the primary threat to the United States stems from terrorists with global reach, supplemented by rogue states, and weapons of mass destruction. The NSS provides the following definition of the first threat actor, the terrorists: “The United States of America is fighting a war against terrorists of global reach. The enemy is not a single political regime or person or religion or ideology. “The NSS calls terrorism “premeditated, politically motivated violence perpetrated against innocents.”²² As US Secretary of States Colin Powell pointed out 2003 in one of his speeches to defend US president Bush’s foreign policy: “The civilized world has spent more than thousand years trying to limit the destructiveness of war. Drawing a distinction between civilians and combatants has been an essential part of this process, but terrorism aims to erase that distinction.”²³ The NSS cover letter provides another aspect of the new threat: “Enemies in the past needed great armies and great industrial capabilities to endanger America. Now shadowy networks of individuals can bring great chaos and suffering to our shores for less than it cost to purchase a single tank. Terrorists are organized to penetrate open societies and to turn the power of modern technologies against us”.²⁴ Developing further on the next page: “The gravest danger our Nation faces lies at the crossroad of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination.”²⁵

The NSS identifies the second primary actor in the terror focused threat with a five part description of rogue states. A small number of ‘rogue states’ emerged in the 1990s. Although mentioning Iraq and North Korea as examples, the much-discussed term ‘axis of evil’ does not appear in the NSS. Used interchangeably with ‘rogue regimes’ and ‘tyrants’, the document

²²The National Security Strategy of the United States of America, (Washington D.C.: Sep 2002), 5.

²³ Cited in: Alex Keto “Powell defends Bush foreign policy says critics wrong” *Dow Jones International News*, (December 16, 2003), Factiva Harvard Library (December 23 2003)

²⁴ NSS, Cover letter

²⁵ Ibid.

measures ‘rogue states’ mainly on the behavior of political leaders. The following aspects are mentioned: Brutalization of own people, lack of regard for international law, determination to acquire WMD’s for offensive purposes, sponsoring global terrorism, and rejection of basic human values. Furthermore, as if to sum it up, hatred of the United States and “everything for which it stands.”²⁶ The third element of the threat defined by the NSS is the potential for terrorists and rogue states to pursue weapons of mass destruction “We must be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction.”²⁷

The European Security Strategy (ESS) notes that large scale aggression against EU members is nowadays unlikely and that “Europe faces new threats which are more diverse, less visible and less predictable.”²⁸ The ESS mentions five key threats: Terrorism, Proliferation of Weapons of Mass Destruction, Regional Conflicts, State Failure, and Organized Crime.²⁹ Terrorism is clearly identified as “a growing strategic threat to the whole of Europe”, for which “Europe is both a target and a base”; the Strategy notes that terrorism “arises out of complex causes”, including “the pressures of modernization, cultural, social and political crises, and the alienation of young people living in foreign societies.”³⁰ Proliferation of WMD is defined as, “potentially the greatest threat to our security”. The ESS states: “The most frightening scenario is one in which terrorists acquire weapons of Mass Destruction. In this event, a small group would be able to inflict damage on a scale previously possible only for states and armies.”³¹ The treat of regional conflicts is outlined as, “both worldwide and at the borders of the EU, which “impact on European interests directly and indirectly” and which “can lead to extremism, terrorism and state failure.”³² ESS describes state failure as follows: “undermines global governance, and adds to

²⁶ Ibid., 14.

²⁷ Ibid.

²⁸ ESS, 3.

²⁹ Ibid.,3-4.

³⁰ Ibid., 3.

³¹ Ibid., 4.

³² Ibid.

regional instability’ and which ‘can be associated with obvious threats, such as organized crime or terrorism.’”³³ Last but not least organized crime is defined as an internal threat with “an important external dimension”, such as “cross-border trafficking in drugs, women, illegal migrants and weapons” as well as gemstones and timber; organized crime “can have links with terrorism” and is “often associated with weak or failing states.”³⁴

Evaluation

Both documents are remarkably similar in the analyses of threats to the United States and the EU respectively. Both strategies are following a threat based approach. Confirming the NSS threat assessment can be interpreted as a political message from the EU to Washington, that the EU shares the US concerns on the threats posed by terrorism and weapons of mass destruction, without necessarily implying that the EU will adopt the same approach to deal with these threats. Both documents identify the linkage between terrorism and Weapons of Mass Destruction as the most dangerous security threat. By qualifying terrorism as a ‘strategic’ threat, the European assessment of terrorism lacks the strong normative dimension put forward in the US document.

The NSS recognizes terrorism as a mean, rather than an end in itself. But neither the NSS nor its more detailed supplementary document, the ‘National Strategy for Combating Terrorism’ (NSCT), spends much time on the issue of causes. Indeed, given the importance credited to the terrorist threat, the lack of discussion on possible motivations is striking. The NSCT deals only vaguely with underlying conditions such as economic or political frustration. And even then, these are positioned only as factors “that terrorists seek to exploit” for other objectives, saying nothing about fundamental goals other than a desire to produce fear. Most apparent is the total absence of a discussion of the role of radical Islam.³⁵

³³ Ibid

³⁴ Ibid.

³⁵ Felix Berenskoetter, *Mapping The Mind Gap: A Comparison of US and EU Security Strategies*, (London: School of Economics and Political Science, 2004), 7.

The ESS identifies at least a range of, admittedly vague causes: “The most recent wave of terrorism...is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernization, cultural, social and political crisis, and the alienation of young people living in foreign societies. This phenomenon is also part of our own society.”³⁶ The ESS directs the attention to motivations for committing terrorist acts, rather than focusing on the method only. Furthermore it acknowledges that these causes also reside in European societies, a step not made by the NSS for the US society. Although the ESS emphasizes the links between the five key threats, much less is said on the causal relationship between the global challenges and the key threats.

Despite the semantic similarity, the ESS term of “Failed States” is very different in character from the NSS term of “Rogue States” concept. The EU recognizes that failed or failing states (not “rogue”, a category that does not exist in EU terminology) are a major source of instability, but it advocates the extension of better governance rather than regime change. The ESS explains “collapse of the State can be associated with obvious threats, such as organized crime or terrorism.”³⁷ The EU document sees the mix as volatile and dangerous. “Taking these different elements together—terrorism committed to maximum violence, the availability of Weapons of Mass Destruction, organized crime, the weakening of the state system and the privatization of force—we could be confronted with a very radical threat indeed.”³⁸

As the NSS states “America is now threatened less by conquering states than we are by failing ones.”³⁹ The NSS argues that failing states threaten America’s security. But it does not outline how to keep states from failing and how to rescue those that have. So the question remains, what defines a failing state? A possible approach is identifying what we expect states to do. One useful inventory of “state failure identifies three functional dimensions of the problem:

³⁶ ESS, 3.

³⁷ Ibid., 4.

³⁸ Ibid., 5.

³⁹ NSS, 1.

security (internal and external), welfare (economic, social, and environmental) and legitimacy and rule of law (political freedoms, human rights, courts and administration). When is a failing state a security threat? It seems to be that defining a particular state as failing is different from defining it as a security threat to which must be responded. Failing states may affect security at three levels: local, regional and international. One lesson learned in the 1990s is that failing states spread failure. The spill over into neighboring countries and regions may occur in a number of ways, including forced migration and refugee's flows, the spread of organized crime, the exhalation of regional tensions between states. The impact of state weakness in Sierra Leone and Liberia on the regional stability of West Africa is just one example. At the international level failing states pose threats in a number of ways. Such areas may become safe havens for international terrorists, or the source or transit zone of other transnational networks such as organized crime, drug production, and human trafficking. Failing states do matter; they matter in different ways, at different times, at different levels to different people. The pure assumption that failing states are a principal threat to international peace and security has to be proved in each case. For example, international terrorists may be more active inside the different states of the EU and the United States than in so called failing states. Therefore all states can be crucial safe havens. The NSS confirms this argument: "Thousand of trained terrorists remain at large with cells in North America, South America, and Europe."⁴⁰ One fundamental dilemma posed by failing states is that of "triage". When does a particular failing state become urgent as to be requiring immediate action?

According to Robert Kagan, one of the biggest transatlantic disagreements since the end of the cold war has been over which threats merit the most attention? The Bush administration

⁴⁰ Ibid., 5.

has placed the greatest emphasis on the so called rogue states and what the US President calls the “axis of evil”. Most Europeans have a different perception of the risks posed by these regimes.⁴¹ The United States has designated seven nations as “state sponsors of terrorism”—Cuba, Iran, Iraq, Libya, North Korea, Syria, and Sudan—but not even all European allies agree with this assessment.⁴² The United States should take the lead in forging a consensus on the nature of the terrorist threat. Sustained attention to the concerns of other states, consultation with other governments, and genuine efforts to come to a multilateral understanding of the magnitude of the threat terrorism poses to international stability will help convince other states that the United States is concerned not only about its own.⁴³

As far as the NSS definition of “Rogue States” is concerned, it is not clear how many of the five identification points a regime needs to meet in order to be qualified as “rogue”. The key point is that given the irrational behavior of rogue regimes the NSS fears such states acquire weapons of mass destruction as weapons of choice. From the perspective of the US President the greatest danger to freedom lies “not only at the crossroad of radicalism and technology”, but also in the denial of this threat and/or the failure to act against it.⁴⁴ After this evaluation of stated threats, the following section provides the next step, the comparison of the strategic objectives.

Strategic Goals

The overall aim of the NSS is “to help make the world not just safer but better.”⁴⁵ The cover letter the President submitted along with the National Security Strategy summarizes its main objectives: “We will defend the peace by fighting terrorists and tyrants. We will preserve the peace by building good relations among the great powers. We will extend the peace by

⁴¹ Robert Kagan, *Of Paradise and Power* (New York: Knopf, 2003), 30.

⁴² Department of State, *Patterns of Global Terrorism*, Washington D.C. Department of State 2003

⁴³ Chantal de Jong Oudraat, “Combating Terrorism” *The Washington Quarterly* (Autumn 2003) :

163.

⁴⁴ NSS, Cover letter

⁴⁵ *Ibid.*, 1.

encouraging free and open societies on every continent.”⁴⁶ The strategic intent of the NSS is elaborated in more detail in the National Strategy for Combating Terrorism (NSCT) : ”to stop terrorist attacks against the United States, its citizens, its interests, and our friends and allies around the world and ultimately, to create an international environment inhospitable to terrorists and all those who support them.”⁴⁷ Chapter III of the NSS also indicates that the administration recognize that “this struggle is different from any other war” and “will be fought over an extended period of time.”⁴⁸

The ESS title proclaims the overall goal “A Secure Europe in a Better World”. Three different strategic objectives are stated and explained in the paper: addressing the threats, creating an international order based on effective multilateralism, and building security in our neighborhood. With regard to terrorism the most relevant of the three is the first one, addressing the threats. It is outlined in the strategy as follows: “With the new threats, the first line of defense will often be abroad. ...The risks of proliferation grow over time: left alone, terrorist’s networks will become even more dangerous. State failure and organized crime spread if they are neglected. This implies that we should be ready to act before a crisis occurs. Conflict prevention and threat prevention cannot start too early. ..., none of the new threats is purely military; nor can any be tackled by purely military means. ... Dealing with terrorism may require a mixture of intelligence, police, judicial, military, and other means.”⁴⁹ The second strategic object is named “Building Security in our Neighborhood” and is outlined as follows: “It is in the European interest that countries on our borders are well-governed. ... The integration of acceding states increases our security ... It is not in our interest that enlargement should create new dividing lines in Europe.”⁵⁰ The third strategic objective is named as “International order based on effective

⁴⁶ Ibid., Cover letter

⁴⁷ National Strategy for Combating Terrorism, (Washington D.C.: Feb 2003), 11.

⁴⁸ NSS, 5.

⁴⁹ ESS, 7.

⁵⁰ Ibid., 7-8.

multilateralism” and outlined by the following key points “Our security and prosperity increasingly depends on an effective multilateral system. We are committed to upholding and developing International law. The fundamental framework for international relations is the United Nations Charter.”⁵¹

Evaluation

The strategic goals and intents described in both documents have a lot in common. But there are also some important differences. With regard to terrorism ESS refers to a number of initiatives taken in recent years: the EU’s increasing engagement in conflict prevention and crisis management, e.g. in the Balkans or the Democratic Republic of Congo; the EU’s policy against proliferation; and finally, a number of concrete anti-terrorist measures, such as the adoption of the Framework Decision on the European Arrest Warrant and measures to disrupt terrorist funding. A remarkable statement in the ESS is that the traditional concept of self defense is no longer suitable in the current world situation. This finding is based on the premise that large-scale aggression against one of the EU’s Member States has become improbable.⁵² The emergence of new threats implies that the first line of defense will often lie abroad and that the EU should be ready to act before a crisis occurs.⁵³ This policy statement is nevertheless mitigated by two considerations. Firstly, the ESS affirms the importance of conflict prevention and threat prevention; secondly, it recognizes that none of the threats can be tackled by purely military means. Thus, in the fight against terrorism, a mixture of intelligence, police, judicial, military and other means is required.⁵⁴ Furthermore the ESS states a strong commitment to multilateralism; the ESS certainly goes beyond a mere profession of faith. The document not only mentions the need to cooperate with NATO and other regional organizations as well as with other international

⁵¹ Ibid., 9.

⁵² Ibid., 3.

⁵³ Ibid., 7.

⁵⁴ Ibid., 7.

organizations, but also affirms the EU's loyalty to international law and the United Nations ('UN'), and stresses the Security Council's primary role regarding international peace and security.

The NSS declares two goals "fighting terrorists and tyrants" and "encouraging free and open societies on every continent", but these goals often conflict. After 9/11 the US administration built a broad coalition for their "Global war on Terrorism". Many of the countries in this coalition – Pakistan or Saudi Arabia – do not share America's commitment to "seeking the rewards of liberty". The NSS does not address this contradiction. Indeed, its core message is that counterterrorism trumps freedom as a priority. But this priority is a logical consequence of the statement in the cover letter: "Defending our Nation against its enemies is the first and fundamental commitment of the Federal Government." This is an important point the Europeans have to realize. Whereas the ESS stresses that a more effective multilateral system is essential for global security, the NSS clearly states, that the United States will not be part of any decisions that are not in line with its national interests. Multilateral action will only be considered if it is beneficial to the United States. This aspect will be further developed later. The next section of the comparison will analyse the stated ways and concepts in each documents, to answer the question, how the national and multinational power will be used to achieve the strategic objectives.

Strategic Ways and Concepts

The NSS lay out a conceptual framework for achieving the above mentioned strategic goals. To defeat existing terrorist organizations the United States will "using all the elements of national and international power."⁵⁵ The NSS demands an active approach from other nations, based on the conviction that all nations have important responsibilities; they "must actively fight terror and help prevent the spread of Weapons of Mass Destruction."⁵⁶ The NSS is guided by the

⁵⁵ NSS., 6.

⁵⁶ Ibid., Cover letter

conviction that the “best defense is a good offense.”⁵⁷ Furthermore the NSS stresses the importance of “productive international relationships” and the fact that the United States need support from their allies “to defeat terrorism in todays globalize world.”⁵⁸ In the cover letter US President Bush explains that “Alliances and multilateral institutions can multiply the strengths of freedom loving nations.” He also points out that “The United States is committed to lasting institutions like the United Nations and NATO. Coalitions of the willing can augment these permanent institutions. This aspect is repeated and extended in Chapter 8 under the heading “Develop Agendas for cooperative action with other main centers of global power”: “America will implement its strategies by organizing coalitions.... of states able and willing to promote a balance of power that favors freedom.”⁵⁹ But in Chapter 3 under the heading “Strengthen Alliances to defeat global terrorism and work to prevent attacks against us and our partners”, it is also stated, that if necessary the United States “will not hesitate to act alone ... to exercise our right of self defense by acting preemptively against terrorists.”⁶⁰ Generally the NSS confirms that the United States will take “international obligations ...seriously.” This point is repeated in the first chapter, where is stated “The U.S. national security strategy is based on a distinctly American internationalism”. The United States will also wage a war of ideas to win the battle against international terrorism. Diplomatic and economic means will be used to promote democratic values, or at least ensure that the conditions and ideologies that promote terrorism do not grow.⁶¹

The ESS outlines in its final chapter the ways, how the strategic goals should be achieved. It calls for an EU that is more active, more capable, more coherent and works with partners. More active means preventive engagement, “with the full spectrum of instruments for

⁵⁷ Ibid., 6.

⁵⁸ Ibid., 7.

⁵⁹ Ibid., 25.

⁶⁰ Ibid., 5.

⁶¹ Ibid., 6.

crisis management and conflict prevention at their disposal, including political, diplomatic, military and civilian, trade and development activities.”⁶² This concept is to enable the EU “to act before countries around us deteriorate, when signs of proliferation are detected, and before humanitarian emergencies arise.”⁶³ Furthermore the ESS points out the significance of the United Nations: “The EU should support the United Nations as it responds to threats to international peace and security.”⁶⁴

More capable means foremost to “transform our militaries into more flexible, mobile forces, and to enable them to address the new threats, more resources for defense and more effective use of resources are necessary.” But the military aspect is embedded into the full spectrum of instruments for crisis management and conflict prevention”. In almost every major intervention, military efficiency has been followed by civilian chaos. We need greater capacity to bring all necessary civilian resources to bear in crisis and post crisis situations. As we increase capabilities in the different areas, we should think in terms of a wider spectrum of missions. This might include ... support for third countries in combating terrorism.”⁶⁵

Under the term “more coherent” the ESS states the “challenge now is to bring together the different instruments and capabilities: European assistance programs and the European Development Fund, military and civilian capabilities from Member States and other instruments”, that should include “better co-ordination between external action and Justice and Home Affairs policies” because it “is crucial in the fight both against terrorism and organized crime.”⁶⁶ In the last section of this chapter the ESS outline the necessity of “working with partners”. International cooperation is described as necessity. The way to achieve the strategic goals requires multilateral cooperation in international organizations and partnerships with key actors.

⁶² ESS, 11.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid., 12.

⁶⁶ Ibid., 13.

It is clearly stated that “the transatlantic relationship is irreplaceable. Acting together, the European Union and the United States can be a formidable force for good in the world.” The stated aim is an “effective and balanced partnership with the USA.”⁶⁷

Evaluation

The comparison of ways/concepts indicates the key differences between the two strategies. The NSS stresses the significance of hard power and military solutions, based on the option acting unilaterally and preemptively if necessary. These points and the American understanding of the role of the United Nations and the problem of legitimacy for the use of force will be discussed in more detail in the following chapter.

The conceptual framework of the ESS can be referred to as comprehensive security. This concept based on the recognition that there are various dimensions of security in the current international environment. The ESS concept of “Comprehensive Security” gives priority to prevention of conflict and instability, but does not exclude the use of force. It demands global action: prevention must aim to safeguard and improve security worldwide. The weakness of the EU as an international actor were clearly exposed when the United States had to lead the interventions in the Balkans, first in Bosnia (1995) and later in Kosovo (1999). There is a broad agreement by analysts and politics that Europeans need to strengthen their military security instrument if it is not become obsolete. The provision of efficient military capability is a prerequisite to implement this agreed comprehensive security approach. It is increasingly clear that the EU see the military dimension of security as an instrument that must be employed in the context of a comprehensive security strategy.

Without the willingness to apply pressure, sanctions and if needed the use of force EU external action will not acquire the credibility it needs to be effective. The EU will be able to use

⁶⁷ Ibid., 13-14.

military means as an integrated part of a much broader range of political, economic and diplomatic means. This is in line with Kofi Annan's statement: "You can do a lot with diplomacy, but of course you can do a lot more with diplomacy backed up by firmness and force."⁶⁸ All countermeasures options outlined by the ESS have certain common elements; recognizing that the first line of defense lies beyond EU frontiers; acknowledging that inaction is not an option; and understanding that a military response is not always appropriate but might form one element of a combined response. In this way, the EU can engage in the systematic political engagement of 'prevention. The greatest challenge for the EU and its member states will be the implementation of this concept. A common will and coherence will be curial to the effective implementation of the comprehensive approach, at the level of policy objectives, instruments and means, across the three pillars. Given the scale of the EU and the diversity of the policy fields involved, this is far from an easy task.

Comparison Summary

The comparison of both documents shows that the analysis of the new threats of terrorism and proliferation of Weapons of Mass Destruction is similar, as well as the stated strategic goals/ ends. The great difference can be found in the ways/ concepts, how the United States on the one hand and the European Union on the other hand intend to counter these threats and to achieve the respective strategic goals/ends. The NSS tends to stress "hard power" and military solutions with the option of preemption and a unilateralist "go it alone approach", but is downplaying the role of the United Nations, the role of Islam, and possible options of civilian conflict prevention. While the ESS sees more the merit in "soft power" that combines economic, diplomatic as well as military assets. A significant part of the ESS call for increasing European capabilities and readiness for "robust engagement". This model of "comprehensive Security, including military

⁶⁸ UN Chronicle online edition, (www.un.org/pubs/chronicle/1988/issue1/0198p4_2.html.) 1988

capabilities is a new approach to allow the European Union acting as “robust civilian power”. In the next chapter the following three key differences will be analyzed in more detail: Unilateralism versus multilateralism, preemption versus prevention and legitimacy for the use of force to achieve strategic objectives

ANALYSIS OF THE DIFFERENCES

Unilateralism versus Multilateralism

The broad unilateralism-multilateralism debate is about overarching ways of viewing the world and the role of the United States and the Europeans. The majority of Europeans are in favor of multilateralism and a comprehensive security approach as expressed in the ESS, whereas from the European perspective the Bush administration acts mainly as unilateralist. From the perspective of the United States neoconservative foreign policy strategists unilateralism is right and realist while they dismissing multilateralism as naïve and unrealistic, soft and weak. To make things even more complicated, in theory the ESS emphasis upon European cohesion and effective multilateralism whereas in reality member states are being pulled by the US bilateral and ad hoc multilateral demands for its “Global War on Terrorism”. Or as Joseph Nye expressed it: “Neoconservatives tend to prefer alliances a’ la carte and to treat international institutions as toolboxes into which US foreign policy makers can reach when convenient”.⁶⁹ Most Europeans rejected the neoconservative claim that a preemptive war against Iraq without multilateral support was necessary or advisable and felt that the war in Iraq, unlike the one in Afghanistan, was not really connected to the “Global War on Terrorism”. What are the reasons for those significant different perceptions? According to Robert Kagan there is a key difference in the interpretation of the term “Multilateralism” on both sides of the Atlantic. When Americans speak of multilateralism they mean a policy that actively solicits and tries to gain the support of allies. But

⁶⁹ Joseph S. Nye Jr., “U.S. Power and Strategy after Iraq,” *Foreign Affairs* (July/August 2003) : 67

even for those among them who claim to be multilateralists, a United Nation Security Council Resolution is never essential. It is a means to the end of gaining allied support, but not an end in itself.⁷⁰ For Europeans however multilateralism has a more formal and legalistic cast. It is a means of gaining legitimate sanction from duly constituted international bodies before undertaking any action; it is an essential prerequisite for action.⁷¹

The ‘effective multilateralism’ outlined in the ESS does not preclude the use of force as a last resort and may even be interpreted as permitting pre-emptive action under certain circumstances. For this reason, some have criticized the concept as ill defined and intended to adopt a US style strategy of pre-emptive military engagement. The ESS should be read in context. Whilst identifying security priorities, which meet current US concerns, it does not amount to a European endorsement of US methods. The European Strategy stresses that priority security objectives (WMD proliferation and international terrorism) should be addressed through ‘effective multilateralism’. It has no illusions regarding the weakness of the EU as a military power. Indeed, the union’s lack of military capability is highlighted as a major weakness in the EU Crisis management toolbox.⁷²

The concept of comprehensive security challenges member states to adopt a realistic, if not realist, approach to multilateralism, by making Europe ‘more active, more capable and more coherent.’ The ESS provides a framework within which traditional EU Priorities (conflict prevention, poverty reduction and good governance within regional dialogue) are balanced with the new priorities of responding to WMD proliferation and international terrorism. The concept of ‘effective multilateralism’ is not a knee-jerk response to the US but a clear challenge to member states to turn their rhetoric into a ‘results oriented’ strategy with which the US can engage. Many issues come into play including broad and different views of the United Nations, the global

⁷⁰ Robert Kagan, “America’s Crisis of Legitimacy,” *Foreign Affairs* (March/ April 2004): 81-82.

⁷¹ Ibid.

⁷² Gerrad Quille “The ESS: A Framework for EU Security Interests?” *International Peacekeeping*, No 3 (Autumn 2004) : 430-431.

security environment and arms control and non-proliferation, but no issue is more central to the overall debate and none more problematic for multilateralists, than the use of force. In the debate over the Iraq-Invasion, multilateralists made a realistic calculation by raising concerns about the potential and negative effects on the Global War on Terrorism if the United States and the European Union disputes and resentments over Iraq ended up hampering cooperation on these other fronts. The influence needed to really win the peace cannot come without a genuinely multilateral effort. And if the peace is not won, much that was won in the war will ultimately be lost. The EU multilateralists need to get more comfortable with US-power (“hard-power”). They have to recognize its scope and options and not just its limit. The United States cannot do it all on its own, but the European Union cannot do very much without US-power. Above all the EU multilateralists have to come to grips with the use of military force. Use of force has four key aspects: When military force should be used; why it is justified; who decides; and how to use it effectively. First, multilateralists must recognize that force cannot always hold back strictly as a last resort. Force should never be a first resort, but in certain circumstances it may need to become an early resort. If tyrants in rogue states or other aggressors know that force will be used only as a last resort, only after the complete pursuit of an array of options, they retain the strategic initiative and tactical advantage.⁷³

Second, Multilateralists need to be less willing to accept the invoking of state sovereignty behind which tyrants seek to hide. Sovereignty confers responsibilities, not just rights. Multilateralists are right to raise concerns about the risks of using force, but they have to confront the risks of not doing so. To stick too strictly to traditional noninterventionism undermines multilateralists broader objectives of peace, justice and security.⁷⁴ Third, collective action based on collective decision-making is at the heart of multilateralism. There is no doubt

⁷³ Bruce W. Jentleson, “Tough love Multilateralism,” *The Washington Quarterly* (Winter 2003/2004) : 13.

⁷⁴ *Ibid.*, 14.

that a more effective United Nation Security Council is as necessary as it is difficult to achieve. The UN must be more willing and able, with enhanced capacity, to act firmly, decisively and in a timely manner, if it is to live up to its claim to being the priority decision-making body on the use of force.⁷⁵ Fourth, EU multilateralists need to be more pragmatic in acknowledging the limits of UN operational role. The UN has numerous strengths, but conducting major military operations is not one of them. Despite UN has largely succeeded in peacekeeping, it has failed for the most part in peace enforcement.⁷⁶ John Ikenberry, the Professor of Geopolitics and Global Justice, Georgetown University, has made the point that unilateralists grossly underestimate the ways in which the UN enhance rather than encroach on US power and influence.⁷⁷ On the contrary, Multilateralists too often underestimate how much the UN and other international institutions depend on US leadership. Major military action is much more likely to be effective if led by the United States. A win-win situation can be achieved by which the United States comes to recognize the UN as essential and the UN recognize the United States as crucial to their being essential. Simply attacking the other side for its shortcomings is always an easier route than dealing with the weakness of one's own position and paradigms. Unilateralism has its weakness, but so too does multilateralism. We need an intensive and through political and intellectual debate, bashing the other side is not enough.

Preemption versus Prevention

Another controversial issue in the NSS and ESS is their respective perspective of pre-emption and conflict prevention. Before considering the relevance of this issue it is necessary to clarify in detail the meaning of the two terms prevention and preemption: Both terms are rooted in Latin verbs “*praevenire*” (to forestall) and “*praemere*” (to buy before others). According to the

⁷⁵ Ibid., 15.

⁷⁶ Ibid., 18.

⁷⁷ John G. Ikenberry, *After victory: Institutions, Strategic Restraint and the Rebuilding of Order after Major Wars* (Princeton University Press 2001)

Merriam Webster's Collegiate Dictionary two of the meanings of the verb "prevent", relevant in this case, are "to deprive of power or hope of acting or succeeding" and "to keep from happening or existing"⁷⁸ Until recently prevention was widely used in strategic discourse to refer to crisis prevention or preventive deployment as an alternative to the use of force. The potential for confusion is even greater when it comes to preemption. Although the meaning of the verb preemption is "the right to buy before others", its derived meanings are much broader. Beyond the principle of imminence, that largely defines the concept of preemption in international law, preemption has been taken to mean "marked by the seizing of the initiative: initiated by oneself."

⁷⁹ The semantic analysis is more than a academic exercise. In strategic debates practical consequences result from the use and misuse of prevention and preemption. Each word has its own semantic meaning, the NSS and the public discussion uses them, more or less, interchangeably. For example, NSS chapter 5, intended to define and outline the concept of preemption, uses the word "prevent" in the heading to summarize the chapter's content. But the text of this chapter comprises several "preemption terms" like "legitimacy of preemption" or "preemption action" or "preempt emerging threats."⁸⁰ By using both terms the NSS can be interpreted in many different ways.

With regard to the GWOT the NSS describes the only way of defending peace and security as a "path of action,"⁸¹ this definition is forward leaning and proactive. The triangle of Terrorists-Tyrants-Weapons of Mass Destruction changed the risk threshold: "the greater the treat, the greater the risk of inaction ... even if uncertainty remains."⁸² Deterrence works in a framework of rational thought and a balance of power. Classical deterrence had no relevance for the 19 Al Qaeda terrorists who hi-jacked four commercial airplanes on 9/11, slamming two into

⁷⁸ See: www.merriamwebster.com

⁷⁹ See: www.merriamwebster.com

⁸⁰ NSS, 15.

⁸¹ NSS, Cover letter

⁸² Ibid., 15.

the World Trade Center and one into the Pentagon. Based on the assumption that “traditional concepts of deterrence will not work against terrorist enemy,”⁸³ the NSS demands the option for pre-emptive action: “The United States has long been maintained the option of preemptive actions to counter a sufficient threat to our national security. ... To forestall or prevent such hostile acts by our adversaries, the US will, if necessary, act preemptively.”⁸⁴ As President Bush said – and as any sensible person understands – if you recognize a clear and present threat that is undeterrable by the means you have at hand, then you must deal with it. You do not wait for it to strike; you do not allow future attacks to happen before you take action.⁸⁵ The NSS is accused of being in favor of preemptive action. Looking at the NSS one will find just two sentences about preemption in one of the documents eight sections. According to former Secretary of State Colin Powell “some observers have exaggerated both the scope of preemption in foreign policy and the centrality of preemption in US strategy as a whole. As to preemption’s scope, it applies only to the undeterrable threats that come from non-state actors such as terrorists groups. It was never meant to displace deterrence, only to supplement it.”⁸⁶

When the United States invades foreign countries and change regimes, as they did in Iraq, before these dangers have had a chance to emerge, and such action is described as preemption, then this language is incorrect. The relevant concept here is prevention. The Bush administration is using the term 'pre-emption', a widely accepted international norm, in a misleading manner to mask what is really a far more controversial action, namely preventive war. In keeping with standard definitions of the words, the US Department of Defense's Dictionary of Military Terms defines the former as "an attack initiated on the basis of incontrovertible evidence that an enemy

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Colin L Powell, “A Strategy of Partnership,” *Foreign Affairs* (Jan/ Feb 2004) : 24.

⁸⁶ Ibid.

attack is imminent,"⁸⁷ while the latter is defined as "a war initiated in the belief that military conflict, while not imminent, is inevitable, and that to delay would involve greater risk." There is a demand that the concept of imminence, upon which preemption is based, needs to be reconsidered. The NSS states "we must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries."⁸⁸ But can one really adapt the concept of imminent threat? It is something that has an actual definition and a real meaning? The Bush administration announced a policy of preventive war without using the term. The justification for the new doctrine of preemption is three fold: The inability to deter a potential aggressor; the immediacy of the new threats; and the magnitude of potential harm. The NSS definition of preemptive self defense rejects the classic international law definition based on imminent danger of an attack by proclaiming the right to "anticipatory action to defend ourselves, even if uncertainty remains as to time and place of the enemies attack."⁸⁹ The new extended concept of self defense creates a massive change of the "ius ad bellum" and represents a very liberal interpretation of the UN Charta. Should international law recognize a right of anticipatory self defense that coexists with the traditional defensive use of force under Article 51 of the UN Charta?⁹⁰ There is no doubt that 21st century security needs are different from those imagined after the end of WW II.

The absence of an international criminal code, an international police force, and effective international law enforcement mechanism gives international terrorists and rogue states de facto immunity from justice and legality. Therefore there is a need to find a compromise between the

⁸⁷ US Department of Defense's Dictionary of Military Terms, available on:
<http://www.dtic.mil/doctrine/jel/doddict/>

⁸⁸ NSS, 15.

⁸⁹ Ibid

⁹⁰ UN Charta Article 51, "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

illusion of collective security, Article 51 UN Charta, and the new global threat triangle Terrorism-Tyrants and Weapons of Mass Destruction. But the NSS set no bounds for the claimed extended self defense approach. No standart is offert to judge when the United States would consider the threat emminent enough to peempt and when it would not.

NSS silence on the circumstances that justify preemption raises another and more likely danger: In the future countries like Russia, China, and Israel will embrace the preemption argument as a cover for settling their own national security problems even more than they have done already in the past decades. As former Secretary of State Henry Kissinger has argued, “It can not be in either American national interests or the world’s interests to develop principles that grant every nation an unfettered right of preemption against its own definition of security.” The NSS recognizes this problem by warning nations not to “use preemption as a pretext for aggression.” But until the administration define the line separating justifiable preemption from unlawful aggression in a way that gains widespread adherence abroad, it risks seeing its words used to justify ends it opposes.⁹¹

While the ESS agreed with the NSS that a mixture of instruments is required to address the new threats, the European concept placed much less emphasis on the military component. The only time the ESS mentioned the necessity for military action is in connection with failed states. The statement “military instruments may be needed to restore order” is embedded in the section stressing the importance of civilian crisis management and reconstruction tools. Also the use of the term “restore” in the ESS instead of “regime change” is an important difference to the NSS. In the ESS the use of military force is framed as a post conflict tool. “Regional conflicts need political solutions, but military assets and effective policing may be needed in the post conflict phase.”⁹² The ESS follows a preventive approach because “conflict prevention and threat

⁹¹ Ivo H. Daalder, “Hard Choices: National Security and the War on Terrorism,” *Current History*, (December 2002) : 409.

⁹² ESS, 6.

prevention cannot start too early.”⁹³ From the European viewpoint “an ounce of prevention is better than a pound of cure” is a good motto for foreign policy as it is for medicine. The notion of a preventive strategy in the ESS is similar to what the UN Secretary General Kofi Annan has called a “ culture of prevention”, stressing civilian means in addressing socio-economic root causes and post conflict peace building tasks, rather than offensive operations. The ESS preventive approach, also called comprehensive strategy, offers a wide range of options from diplomatic means to economic sanctions to military force.

The current US interpretation and approach of preemption is not a sustainable strategy for the future relationship between the United States and its allies in the Global War on Terrorism. This shortfall can be adopted with an effort to keep preemption inside the boundaries that other legitimate players in the Global War on Terrorism will accept. What we need is an open and serious debate between the United States and its European allies on the entire range of issues involved in preemption and prevention. Strategic, diplomatic, political, legal, and military consequences should be considered in order to stem the double dangers of WMD and transnational terrorism.⁹⁴

Legitimacy

In their article *The Source of American Legitimacy* Robert W. Tucker and David C. Hendrickson provide the following definition for Legitimacy: “Legitimacy arises from the conviction that state action proceeds within the ambit of law, in two senses: first, that action issues from rightful authority, that is, from the political institution authorized to take it; second, that it does not violate a legal or moral norm.”⁹⁵ From the European perspective it looks like that the United States has a serious legitimacy problem after the Iraq invasion. According to Robert

⁹³ Ibid., 7.

⁹⁴ Risse, *The Atlantic Alliance in Crisis*, 369.

⁹⁵ Robert W. Tucker and David C. Hendrickson, “The Source of American Legitimacy” *Foreign Affairs*, No 6 (Nov/Dec 2004) : 18.

Kagan “a majority of Europeans has come to doubt the legitimacy of US power and US global leadership. The US can not ignore this problem. The struggle to define and obtain international legitimacy may prove to be the most critical contests of our time. In some ways it is as significant in determining the future of the US role in the international system as any purely material measure of power and influence.”⁹⁶ The ESS reaffirms that, as a matter of principle, the United Nation Security Council should remain the form that legitimizes the use of force. According to US-Professor Joseph Nye the UN remains an important source of legitimacy in world politics, but it is torn between the strict Westphalian interpretation of state sovereignty and the rise of international humanitarian and human rights law that set limits on what leaders can do with their citizens.⁹⁷ In his cover letter of the NSS the US President confirmed the commitment of the United States to lasting institutions like the United Nations. In his West Point speech, June 1 2002, he described the new strategic environment not only as a challenge, but also as an opportunity: “We have our best chance since the rise of the nation-state in the 17th century to build a world where the great powers compete in peace instead of prepare for war.”⁹⁸ But in the NSS chapter VIII “Develop agendas for cooperative action with the other main centers of global power” under this quotation, the institution of the United Nation is not even mentioned.

The UN have already make important contributions to the “Global War on Terrorism”: Two weeks after 9/11 the Security Council adopted Resolution 1373, obligating all 191 UN member states to take far-reaching domestic legislative and executive actions designed to prevent and suppress future terrorist activities. At that time, the U.S. permanent representative to the Security Council, Ambassador John Negroponte, called the UN “a unique partner in troubled times” and described Resolution 1373 as the UN’s “single most powerful response” in the war on terrorism. This UN resolution took the unprecedented steps of legitimizing military action against

⁹⁶ Kagan, *America’s Crisis of Legitimacy*, 67.

⁹⁷ Nye, *U.S. Power and Strategy after Iraq*, 68.

⁹⁸ NSS, 25.

terrorism and globalizing the ban on terrorism. This approach was reinforced by UN Secretary Kofi Annan's key-note address to the Closing Plenary of the International Summit on Democracy, Terrorism and security- "A Global Strategy on Fighting Terrorism", where he declared: "The UN has already... been playing a crucial role [in handling terrorism and related issues]. But we need to do more and we must to do better."⁹⁹ In his speech he also presented a five- point strategy for the United Nations to fight terrorism: dissuading the disaffected from choosing the tactics, denying terrorists the means to carry out attacks, deterring state support, developing state preventive capacity and defending human rights in the struggle against the scourge.

The implementation of this UN-strategy requires leadership and support from the United States as well as the European Union. Despite the ESS's stated commitment to effective multilateralism and cooperation with international organizations, regarding EU-UN cooperation it remains rather vague. The ESS fails to clarify how the EU can play a greater role at the UN. Up to now the EU is represented in the UN by its Member States only and not by institutional EU bodies. The new EU-constitution provides an option for improvement, because it will give the EU a single legal personality.

There are at least four areas the UN can make contributions in combating terrorism. First, it can enhance the legitimacy of state actions, including military actions against state sponsors of terrorism. Multilateral actions through the UN can also help to isolate state sponsors politically and economically and hence diminish their influence and reach. Second, the UN can help to create and develop international norms and international standards of accountability, to make sure that terrorist acts are prosecuted and punished around the world. Third, the UN can help share the economic burden of the fight against terrorism. Building up state capacities to combat terrorism

⁹⁹ UN Secretary Kofi Annan's key-note address to the Closing Plenary of the International Summit on Democracy, Terrorism and security- "A Global Strategy on Fighting Terrorism", Madrid Spain, 10 March 2005; <http://www.un.org/apps/sg/sgstats.asp?nid=1345>

will require material resources. The United States has an interest in sharing these costs with others. Fourth, the UN can also help share the burden politically. The fight against terrorism is a long-term fight that will see both successes and failures. The UN has been and will continue to be a useful political bulwark in this ongoing struggle.

Joseph S. Nye proposes the following future approach: “The US should incline towards multilateralism whenever possible as a way to legitimize its power and to gain a broad acceptance of its NSS. Preemption that is legitimized by multilateral sanction is far less costly and sets a far less dangerous precedent than the US asserting that it can alone act as judge, jury and executioner.”¹⁰⁰

CONCLUSION AND RECOMMENDATIONS

The relationship between the United States and Europe is in a deep crisis. According to Benjamin Barber, an internationally renowned American political theorist and Professor of civil society, the United States, by invoking a right to unilateral action, preventive war, and regime change has undermined the very framework of cooperation and international law that is necessary to fight the Global War on Terrorism.¹⁰¹ The US behavior appears to many European countries as a hegemon, rather than a global leader concerned about the common good. This behavior is described by Robert W. Tucker and David C Hendrickson in their article on *The Sources of American Legitimacy* as follows: “World public opinion now sees the United States increasingly as an outlier - invoking international law when convenient, and ignoring it when not; using international institutions when they work to its advantage, and disdaining them when they pose obstacles to U.S. design.”¹⁰² Although the major differences about the ways to achieve the strategic goals are obvious, there is still a common transatlantic basis. The United States and Europe form what can be called a “Security Community”, whose basic common values and

¹⁰⁰ Nye, U.S. Power and Strategy after Iraq, 69.

¹⁰¹ Benjamin Barber, *Fear's Empire: War, Terrorism and Democracy* (New York: W.W. Norton, 2003)

¹⁰² Tucker, *The Source of American Legitimacy*, 32.

shared principles, like democracy, human rights, open markets and a measure of social justice, are still intact. Even if the United States has superior military assets, its political and economic capabilities are less overwhelming. Therefore a US “go it alone” policy is not sustainable when global challenges such as international terrorism, proliferation of Weapons of Mass Destruction, the creation and stabilization of post war political structures in Afghanistan and Iraq, and the Greater Middle East problem are at stake. Neither the United States nor the Europeans are in a position to tackle these threats and crises alone, they need each other.

As already elaborated in detail above, an effective Counter Terrorist Strategy has to attack not only terrorists themselves, but the ideology they are proclaiming, the economy they are living in, the political structure they are using, basically the context in which they are rooted. This requires a strategy to be simultaneously military, economic and political. Nye describes this concept as a three dimensional chess game in which one can win only by playing vertically as well as horizontally: The classical interstate military issue is positioned on the top board. The US is likely to remain the only superpower for years to come, therefore it make sense to speak in traditional terms of unipolarity and hegemony. The interstate economic issues are played on the middle board, where the distribution of power is already multipolar. All the transnational issues belong on the bottom board, where power is widely distributed among states and non state actors.

¹⁰³ From the European perspective the US administration is focused too heavily on military power alone. There is no doubt that military power is essential to global stability and that it is a critical part of the response to terrorism, but combating terrorism will take years of patience, unspectacular civilian cooperation with other countries in areas such as intelligence sharing, police work, tracing financial flows and border controls.¹⁰⁴ Facing these strategic trends and

¹⁰³ Nye, U.S. Power and Strategy after Iraq, 65. and Nye, Joseph S, Jr., “Soft Power and American Foreign Policy,” *Political Science Quarterly*, No 2 (2004) : 262-263.

¹⁰⁴ Nye, U.S. Power and Strategy after Iraq, 65.

common challenges we should ask the key question: What can be done to improve the US –EU relationship?

First, based on the European conviction that “no single country is able to tackle today’s problems on its own”¹⁰⁵ and the American recognition that “to defeat terrorism in today’s globalized world we need support from our allies and friends,”¹⁰⁶ Europe and the United States are constructively working on a couple of substantial issues of common concerns: Balkans, Afghanistan, the Israeli-Palestinian conflict, Iran, as well as the fight against terrorism and the spread of Weapons of Mass Destruction. These issues prove on a daily basis that we do not have the luxury of wasting time when finding common solutions.

Second, the United States should use collective instruments and institutions working for them, rather than weaken or destroy them. The NSS emphasizes ad hoc coalitions as preferred means for addressing threats to international security and underestimates the contribution that broad-based coalition alliances and institutions, like United Nation, NATO or in the future the European Union, make over the long term. It is easy to dismiss EU as a permanently divided and weak actor. That would be an understandable conclusion looking at the Iraq crisis and EU failure to produce a coherent common policy. But there is an expectation that EU member states will try to speak with one voice on foreign policy issues. There is a recognition that as a more or less unitary actor on a number of issues such as trade, the EU should also act unified in security issues. The EU, as robust civilian power, will not be not only a “partner in opening world trade” as reference in the NSS, but intent to be an accepted partner in security policy as well. The European approach should be taken seriously. With the ESS the EU has a general framework to think and act strategically.

Third, the Europeans must recognize that a partner, who offers very often only criticism, but has no real potential contribution to make, will be of little consequence. Europeans have to

¹⁰⁵ ESS, 1.

¹⁰⁶ NSS, 7.

learn that political consultations are not an end in themselves. Their value depends on whether the partner consulted can make a difference to the outcome. The United States will not be part of any decision that is not in line with its national security interests. Multilateral action will only be considered if it is beneficial to the United States. Calls for more multilateralism in decision-making will require Europe to be willing and able to accept more responsibility for carry out commitments.

Fourth, the EU credibility as a foreign policy and security actor will depend on translating this strategy into plans and operations. This is particularly true because of the ESS emphasis on threats; thereby it creates an expectation that the EU will do what is necessary to assume responsibility for the threats identified in the document. According to Sten Rynning “Coercive power demands executive authority to make decisions and command resource.”¹⁰⁷ Therefore the effective implementation of the strategy is thus linked to the institutional reform of the EU that the new constitution should provide. The success of the EU depends on the will to take action. The EU must be able to implement all instruments described in the ESS, including coercive use of force. Military power is of course not the only frame of reference for action on the international scene, but it remains an essential card and the EU has no other choice to have that card in its hand to back up diplomacy by firmness and force. What counts is not so much the size of the armed forces, but the willingness and the ability to use them.¹⁰⁸ Therefore the EU need not a military capacity that equal to the US Forces, but a sufficient force strength and an appropriate force structure to play the military card within the comprehensive security concept and to be taken serious as “robust civilian power” by the superpower United States. The overall aim is to be able to act as a complementary security element. The defense capabilities of the EU must not be created as a counterweight to the United States, rather they should encourage synergies.

¹⁰⁷ Sten Rynning, The European Union: Towards a strategic culture, *Security Dialogue*, No 4 (2003) : 479-496.

¹⁰⁸ Christopher Bertram, “Europe’s best Interest,” *Internationale Politik und Gesellschaft* No 1 (2003) : 61-70.

Fifth, the United States and the EU should develop a more pragmatic form of transatlantic diplomacy including a change of “tone and style”. This approach should include at least two different aspects: first, avoiding statements that leave little room for manoeuvre such as “you are either with us or with the terrorists” or “the mission defines the coalition” and second, referring to the EU more frequently in important presidential speeches; the US president has not mentioned the EU in any of his speeches given in 2004, not once! ¹⁰⁹

Last but not least, the United States needs to get back to the basics in the Global War on Terrorism. Today the United States are consumed by a secondary issue: Iraq. The United States has to redefine success in that mission. There is no doubt that the United States must refuse to fail in Iraq and must refuse to give up on that issue. If the United States fails in Iraq, it will have catastrophic consequences for the entire Greater Middle East region. One can debate whether the war was right or wrong, but the question is rather pointless at this stage. What is needed is a common approach by the United States and its European allies to bring stability and the rule of law to Iraq as one important prerequisite for a final political solution for the Greater Middle East Region. Failure is not an option.

All in all there is a need for a renewed and pragmatic transatlantic agreement of new arrangements that can deal with the new demanding global challenges, especially combating terrorism. Although the US and the EU possess different means and prefer different procedures, the available military and non-military assets could constitute a “toolbox” which could be used appropriately depending on the crisis development. Mutual cooperation and coordination is the key to an effective and successful counter terrorist strategy. It makes no sense for both to have conflicting approaches. It is time to use the complementary military and civilian instruments toward common ends. Complementarity, not conflict, should be the new transatlantic watchword.

¹⁰⁹ Anne Marie Slaughter “What is this European Union,” *Herald Tribune* Oct 19, 2004

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